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FILED
CLERK, U.S. DISTRICT COURT

APR 2 8 2016

CENTRAL DISTRICT OF CALIFORNIA
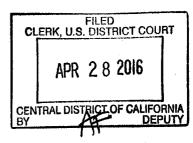BY   DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

           Plaintiff,

        v.

Miguel Sandoval,

           Defendant.

Case No. 16-854M

ORDER OF DETENTION

I.

The Court conducted a detention hearing:

☒   On motion of the Government [18 U.S.C. § 3142(f)(1)] in a case allegedly involving a narcotics or controlled substance offense with maximum sentence of ten or more years.

☒   On motion by the Government or on the Court's own motion [18 U.S.C. § 3142(f)(2)] in a case allegedly involving a serious risk that the defendant will flee.

The Court concludes that the Government is entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure

1 the defendant's appearance as required and the safety of any person or the

2 community [18 U.S.C. § 3142(e)(2)].

3   II.

4   The Court finds that no condition or combination of conditions will

5 reasonably assure: ☒ the appearance of the defendant as required.

6   ☒ the safety of any person or the community.

7   III.

8   The Court has considered: (a) the nature and circumstances of the offense(s)

9 charged, including whether the offense is a crime of violence, a Federal crime of

10 terrorism, or involves a minor victim or a controlled substance, firearm, explosive,

11 or destructive device; (b) the weight of evidence against the defendant; (c) the

12 history and characteristics of the defendant; and (d) the nature and seriousness of

13 the danger to any person or the community. [18 U.S.C. § 3142(g)] The Court also

14 considered all the evidence adduced at the hearing, the arguments of counsel, and

15 the report and recommendation of the U.S. Pretrial Services Agency.

16   IV.

17   The Court bases its conclusions on the following:

18   As to risk of non-appearance:

19   ☒   Lack of sufficient bail resources – to include a secured bond

20   ☐   Refusal to interview with Pretrial Services

21   ☒   No stable employment and residence is the location from which

22 alleged drug transactions took place and where significant amounts/types of

23 controlled substances seized

24   ☒   Previous failures to appear for vehicle code violations in 2014

25 and 2015 and an outstanding warrant from Iowa issued in 2003 for an unspecified

26 probation violation

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☐   Ties to foreign countries

☒   Unrebutted presumption [18 U.S.C. § 3142(e)(2)]

As to danger to the community:

☒   Criminal History includes a felony conviction for possession of marijuana for sale, failures to appear and an outstanding warrant from Iowa.

☒   Allegations in present charging document which assert that defendant is selling multi-kilograms of heroin and fentanyl from his residence

☒   Substance abuse – defendant admits to daily marijuana use

☐   Already in custody on state or federal offense

☒   Unrebutted presumption [18 U.S.C. § 3142(e)(2)]

The Court is particularly concerned about the discovery of a significant amount of narcotics at the residence defendant shares with his girlfriend and infant daughter.

V.

☐   The Court finds a serious risk that the defendant will

☐   obstruct or attempt to obstruct justice.

☐   threaten, injure or intimidate a prospective witness or juror, or attempt to do so.

The Court bases its conclusions on the following:

VI.

IT IS THEREFORE ORDERED that the defendant be detained until trial. The defendant will be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant will be afforded reasonable opportunity for private consultation with counsel. On order of a Court of the United States or on request of any

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attorney for the Government, the person in charge of the corrections facility in which defendant is confined will deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

[18 U.S.C. § 3142(i)]

Dated: April 28, 2016   /s/
                                        _____
                                        HON. ALKA SAGAR
                                        UNITED STATES MAGISTRATE JUDGE